

ARKANSAS BOARD  
OF  
COSMETOLOGY

LITTLE ROCK, ARKANSAS



Act 358 of 1955

As Amended By

Act 490 of 1961

Act 403 of 1965

Act 400 of 1969

Act 566 of 1973

Acts 532 & 644 of 1975

Act 465 of 1987

Act 1228 of 1991

Act 1056 of 1993

Act 771 of 1995

Act 512 of 1997

Issued by  
ARKANSAS STATE BOARD OF  
COSMETOLOGY

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**ACT 358 of 1955**

AN ACT TO CREATE A BOARD OF COSMETOLOGY: TO DEFINE THE POWERS OF THE BOARD: TO REGULATE THE VOCATION OF COSMETIC THERAPY: TO PROVIDE FOR THE LICENSING OF PERSONS TO CARRY ON AND TO TEACH SUCH VOCATION: TO INSURE THE BETTER EDUCATION OF PERSONS ENGAGING IN SUCH VOCATION: TO REGULATE THE CONDUCT AND SANITATION OF COSMETOLOGICAL ESTABLISHMENTS AND SCHOOLS AS TO PREVENT THE SPREADING OF COMMUNICABLE DISEASES: TO PROVIDE PENALTIES FOR VIOLATION THEREOF.

**ACT 490 of 1961**

“AN ACT TO AMEND ACT 358, ARK. ACTS OF 1955, PERTAINING TO - THE ARKANSAS STATE BOARD OF COSMETOLOGY CONCERNING THE OFFICE LOCATION: THE ADOPTION OF RULES AND REGULATIONS: REDUCING THE AGE OF APPLICANTS: DEFINING THE QUALIFICATIONS OF INSTRUCTORS: PRESCRIBING THE HOURS OF INSTRUCTION: DIRECTING THE DISPOSITION OF REVENUES: PRESCRIBING FEES: GRANTING INJUNCTIVE POWERS TO THE BOARD: AND FOR OTHER PURPOSES.”

**ACT 403 of 1965**

A BILL FOR AN ACT TO BE ENTITLED: “AN ACT TO AMEND ACT 358 OF 1955 AS AMENDED BY ACT 490 OF 1961 CONCERNING THE ARKANSAS STATE BOARD OF COSMETOLOGY IN RELATION TO NEW SCHOOLS, STUDENT REGULATION, SALONS, INSTRUCTOR REQUIREMENTS, STUDENT CREDIT HOURS TO INCREASE TRAINING FROM 1200 TO 1500 HOURS, LICENSING DATES, PRESCRIBING FEES: AND FOR OTHER PURPOSES.”

**ACT 400 of 1969**

FOR AN ACT TO BE ENTITLED: “AN ACT TO AMEND THE COSMETOLOGY ACT TO INCREASE VARIOUS LICENSE FEES AND TO ESTABLISH ADDITIONAL LICENSE FEES: TO PRESCRIBE ADDITIONAL REQUIREMENTS FOR THE ESTABLISHMENT OF SCHOOLS OF COSMETOLOGY: AND FOR OTHER PURPOSES.”

**ACT 566 of 1973**

FOR AN ACT TO BE ENTITLED: “AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS COSMETOLOGY ACT: AND FOR OTHER PURPOSES.”

**ACTS 532 & 644 of 1975**

FOR AN ACT TO BE ENTITLED: “ACTS TO AMEND VARIOUS SECTIONS OF THE ARKANSAS COSMETOLOGY ACT”: “AN ACT TO INCREASE THE MEMBERSHIP OF THE STATE BOARD OF COSMETOLOGY FROM SIX TO NINE; TO INCREASE THE NUMBER OF MEMBERS WHO MAY BE CONNECTED WITH A SCHOOL OF COSMETOLOGY FROM ONE TO TWO: TO PROVIDE AT LEAST TWO MEMBERS SHALL BE LICENSED ELECTROLOGISTS: TO PROVIDE FOR HONORARY INSTRUCTOR’S LICENSE”; “ACT 644 – FOR AN ACT TO BE ENTITLED TO PRESCRIBE THE LICENSE, REGISTRATION, AND EXAMINATION FEES TO BE COLLECTED BY THE STATE BOARD OF COSMETOLOGY; AND FOR OTHER PURPOSES.”

**ACT 420 of 1977**

“AN ACT TO AMEND VARIOUS SECTIONS OF ACT 358 OF 1955, AS AMENDED, RELATING TO THE STATE BOARD OF COSMETOLOGY, THE LICENSING OF COSMETICIANS AND COSMETOLOGISTS, AND THE PRACTICE OF COSMETOLOGY IN THE STATE; AND FOR OTHER PURPOSES.”

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS.

**ACT 505 of 1979**

“AN ACT TO ALLOW THE STATE BOARD OF COSMETOLOGY TO IMPOSE PENALTIES IN LIEU OF REVOCATION OR SUSPENSION OF ANY LICENSE, CERTIFICATE OF REGISTRATION OR OTHER PERMIT ISSUED BY THE BOARD, FOR VIOLATIONS OF LAW OR REGULATIONS PERTAINING TO OCCUPATIONS, PROFESSIONS AND BUSINESSES LICENSED AND REGULATED BY THE ARKANSAS STATE BOARD OF COSMETOLOGY; AND FOR OTHER PURPOSES.”

**ACTS 188, 215 and 241 of 1985**

(188) – AN ACT TO AMEND SECTION 6 OF ARTICLE 12 OF ACT 358 OF 1955, AS AMENDED, TO PROVIDE FOR AN INCREASE IN THE FEES COLLECTED BY THE BOARD OF COSMETOLOGY FOR LICENSES, REGISTRATION AND EXAMINATION; AND FOR OTHER PURPOSES. (215) – AN ACT TO AMEND VARIOUS SECTIONS OF ACT 358 OF 1955, AS AMENDED, TO PROVIDE FOR THE PRACTICE OF AESTHETICS; TO INCREASE STUDENT TRAINING HOURS IN ELECTROLYSIS FROM 100-200 TO 350-600; TO INCREASE THE BOARD’S PER DIEM FROM \$25 TO \$50 PER DAY; TO PROVIDE FOR UNRESTRICTED RECIPROCAL AGREEMENT FOR LICENSEES FROM OTHER STATES; AND FOR OTHER PURPOSES. (241) – AN ACT TO AMEND SECTION 6 OF ARTICLE 1 OF ACT 358 OF 1955, AS AMENDED, RELATING TO THE POWERS OF A MEMBER OF THE STATE BOARD OF COSMETOLOGY WHO OWNS A SCHOOL OF COSMETOLOGY; AND FOR OTHER PURPOSES.

**ACT 465 of 1987**

“AN ACT TO AMEND 358 OF 1955 TO REQUIRE CONTINUING EDUCATION FOR INSTRUCTORS: AND FOR OTHER PURPOSES.”

**ACT 1228 of 1991**

“AN ACT TO AMEND ARKANSAS CODE 17-26-210, RELATING TO THE DISPOSITION OF FUNDS DEPOSITED IN THE COSMETOLOGY CONTINGENT FUND: AND FOR OTHER PURPOSES.”

**ACT 1056 of 1993**

“AN ACT TO AMEND ARKANSAS CODE 17-26-104 PRESCRIBING THE PROSECUTING ATTORNEYS’ DUTY TO ENFORCE THE COSMETOLOGY CODE; TO AMEND ARKANSAS CODE 17-26-322 CONVEYING THE POWER TO THE BOARD TO IMPOSE A CIVIL PENALTY FOR ANY UNLICENSED ACTIVITY; TO AMEND ARKANSAS CODE 17-26-323 TO EXPAND THE USE OF FUNDS FROM PENALTIES DERIVED FROM DISCIPLINARY ACTION.”

**ACT 771 of 1995**

“AN ACT TO AMEND THE COSMETOLOGY ACT TO REDEFINE THE DEFINITION OF ELECTROLOGIST AND TO INCLUDE AN EXAMINATION REQUIREMENT FOR RECIPROCAL LICENSING.”

**ACT 512 of 1997**

“AN ACT TO AMEND THE COSMETOLOGY ACT TO REDEFINE THE TERM ‘MANICURIST’ AND TO INCREASE THE TRAINING REQUIREMENTS FOR MANICURIST; AND FOR OTHER PURPOSES.”

## **CHAPTER 26**

### **COSMETOLOGY AND RELATED OCCUPATIONS SUBCHAPTER 1 - GENERAL PROVISIONS**

#### **17-26-101. Title.**

This chapter shall be known and cited as the “Cosmetology Act.”

#### **17-26-102. Definitions.**

(a) As used in this chapter, unless the context otherwise requires:

(1) “Manager-Operator” means a licensed cosmetician or cosmetologist authorized to engage in the practice of cosmetology, independent of personal supervision in a duly licensed establishment;

(2) “Cosmetician” or “Cosmetologist” means any person who engages in the practice of cosmetology in a licensed cosmetological establishment except the branch of electrolysis;

(3) “Student operator” means any person who is engaged in learning or acquiring a knowledge of the occupations of a cosmetician or cosmetologist in a licensed school of cosmetology under a licensed instructor;

(4) “Year” means the period from and including January 1 to and including December 31 next thereafter;

(5) “Cosmetological establishment” means any premises, building, or part of a building whereon or wherein is practiced any branch or any combination of branches of cosmetology or the occupation of a cosmetician or cosmetologist, except the branch of manicuring as practiced in barber shops licensed by the State Board of Cosmetology and complying with the provisions of this chapter.

(6) “Electrologist” means any person who permanently removes hair from, or destroys hair on, the human body for beautification by the use of an electric needle, or by the use of any other kinds of devices or appliances designed to permanently remove hair from the human body;

(7) “Junior electrologist” means any person who is engaged in learning or acquiring a knowledge of the practice of electrolysis in epilation in a licensed school of cosmetology under a licensed instructor of electrology;

(8) “Manicurist” means any person who engages in the occupation of manicuring the nails of any person by cutting, trimming, polishing, coloring, tinting, cleansing, filing, buffing, pushing, extending, protecting, wrapping, covering, building, or beautifying the nails or performing any other similar work upon the nails of any person by any means, including the softening of the arms, hands, feet or ankles of any person by use of hands, mechanical or electrical apparatus or appliances, cosmetic or chemical preparations, antiseptics, lotions, or creams or by massaging, cleansing, manipulating or stimulating the arms, hands, feet or ankles of any person;

(9) “Aesthetician” means any person who engages in the practice of beautifying the face, neck, arms, bust, or upper part of the human body by massaging, cleaning, or stimulating the face, neck, arms, bust or upper part of the human body by means of the hands, devices, apparatus, or appliances, with or without the use of cosmetic preparations, antiseptics, tonics, lotions, and creams;

(10) “Student aesthetician” means any person who is engaged in learning or acquiring a knowledge of the occupation of aesthetics in a licensed school of cosmetology under a licensed instructor.

(b) The art of cosmetology includes any and all and any combination of the following practices:

(1) Arranging, dressing, curling, waving, machineless permanent waving, permanent waving, cleansing, cutting, singeing, bleaching, tinting, coloring, straightening, dyeing, brushing, beautifying, or otherwise treating by any means the hair of any person or wigs or hair pieces;

(2) Massaging, cleaning, or stimulating the scalp, face, neck, arms, bust, or upper part of the human body, by means of the hands, devices, apparatus, or appliances, with or without the use of cosmetic preparations, antiseptics, tonics, lotions, or creams;

(3) Beautifying the face, neck, arm, bust, or upper part of the human body, by use of cosmetic preparations, antiseptics, tonics, lotions, or creams;

(4) Removing, temporarily, superfluous hair from the body of any person by the use of depilatories or by the use of tweezers, chemicals, or preparations or by the use of devices or appliances of any kind or description, except by the use of light waves, commonly known as rays;

(5) Cutting, trimming, polishing, tinting, coloring, cleansing, or manicuring the nails of any person; and

(6) Massaging, cleansing, or beautifying the nails of any person.

(c) The branch of electrolysis, a practice of cosmetology requiring a separate course of training as prescribed by Section 17-26-306 includes any and all and any combination of the following practices: Permanently removing hair from or destroying hair on the human body by the use of an electric needle or by the use of any other kind of devices or appliances designed to permanently remove hair from the human body.

(d) Every person, firm, or corporation exacting a fee for the teaching of any branch of cosmetology is classed as a 'school of cosmetology' under this chapter and is required to comply with all of its provisions.

### **17-26-103. Scope of Chapter.**

(a) The following persons are exempt from this chapter:

(1) All persons authorized by the laws of this state to practice medicine, surgery, dentistry, pharmacy, osteopathy, chiropractic, naturopathy, or podiatry;

(2) Barbers, insofar as their usual and ordinary vocation and profession is concerned;

(3) Employees employed to render cosmetological services in the course of and incidental to the business of employers engaged in the theatrical, radio, television, or motion picture production industry; and

(4) Individuals and employees rendering cosmetological services in the course of, in connection with, and incidental to the preparation of bodies for burial, or the business of embalmers and undertakers.

(b) This chapter does not prohibit any practice within its scope in cases of emergency, nor the administration of any practice outside of a licensed school of cosmetology or cosmetological establishment when necessary because of the illness or other physical incapacitation of the recipient of the service and when performed by a licensee obtained for the purpose from a licensed cosmetological establishment.

(c) This chapter does not prohibit the recommendation, demonstration, administration, or sale of cosmetics by any person not claiming to be a cosmetician.

### **17-26-104. Unlawful practices - Penalties.**

(a) (1) It shall be unlawful to violate any of the provisions of this chapter.

(2) Any person, firm, or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine in any sum not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) or by imprisonment in the county jail for a period of not more than ninety (90) days, or by both fine and imprisonment.

(b) (1) It shall be unlawful to violate any valid rule or regulation of the State Board of Cosmetology adopted pursuant to the provisions of this chapter.

(2) Any person, firm, or corporation violating any valid rule or regulation of the State Board of Cosmetology adopted pursuant to the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine in any sum not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00) or by imprisonment in the county jail for a period of not more than sixty (60) days, or by both fine and imprisonment.

(c) Each day of such unlawful practice shall constitute a separate offense.

(d) It shall be the duty of all prosecuting attorneys of the state and all political subdivisions of the state to enforce the provisions of this chapter and prosecute any persons violating them.

### **17-26-105. Grounds for disciplinary action.**

The grounds for disciplinary action are as follows:

(1) Failure of a person, firm or corporation operating a cosmetological establishment or school of cosmetology or engaged in the practice of cosmetology or any of its branches to comply with the requirements of this chapter and the regulations of the State Board of Cosmetology;

(2) Failure to comply with the rules governing sanitary conditions adopted by the board and approved by the State Board of Health for the regulation of cosmetological establishments, schools of cosmetology, or the practice of the occupations of a cosmetician or cosmetologist;

(3) Obtaining practice in cosmetology or any branch thereof, or money, or any other thing of value, by fraudulent misrepresentation;

(4) Gross malpractice;

(5) Continued practice by a person knowingly having an infectious or contagious disease;

(6) Habitual drunkenness or habitual addiction to the use of morphine or any habit-forming drug;

(7) Advertisement by means of knowingly false or deceptive statements;

(8) Permitting a certificate of registration or license to be used where the holder is not personally, actively, and continuously engaged in business;

(9) Failure to display the license;

(10) Conviction of a felony or any of the crime involving moral turpitude;

(11) Engaging outside of a licensed school of cosmetology or cosmetological establishment and for compensation in any form whatever, in any practice for which a license is required under this chapter, except that when such service is necessary because of the illness or other physical incapacity of the person with respect to whom it is performed, it may be performed by a licensee obtained for the purpose from a licensed cosmetological establishment; or

(12) Any other unfair or unjust practice, method or dealing, which the board finds, may justify such action.



## **SUBCHAPTER 2 - STATE BOARD OF COSMETOLOGY**

### **17-26-201. Creation – Members.**

- (a) There is created the State Board of Cosmetology.
- (b) The board shall consist of ten (10) members, of good moral character, at least twenty-five (25) years of age, not directly or indirectly connected in the wholesale business of the manufacture, rental, sale, or distribution of cosmetological appliances or supplies, appointed by the Governor for a term of five (5) years.
  - (1) Nine (9) members of the board shall be appointed as follows:
    - (A) Eight (8) members of the board shall:
      - (i) Be registered as cosmeticians or cosmetologists under this chapter
      - (ii) Be actually engaged in conducting a cosmetologist establishment or a school of cosmetology or actually engaged in practicing the art of cosmetology at the time of appointment; and
      - (iii) Have had at least five (5) years' experience in practicing the art of cosmetology in a cosmetological establishment or in a school of cosmetology.
    - (B) Two (2) members appointed under this subdivision shall be licensed instructors who own a school of cosmetology. At least two (2) members shall be licensed electrologists.
    - (C) One (1) member of the board, a consumer representative, shall:
      - (i) Be of good moral character;
      - (ii) Be twenty-five (25) years of age or older; and
      - (iii) Not be directly or indirectly connected in the wholesale business of the manufacture, rental, sale, or distribution of cosmetological appliances or supplies;
    - (D) Not more than three (3) members may be appointed from any one (1) congressional district.
  - (2) One (1) member of the board, the representative of the elderly, shall be sixty (60) years of age or older, shall not be actively engaged in or retired from the profession of cosmetology, shall be appointed from the state at large, subject to confirmation by the Senate, and shall be a full voting member but shall not participate in the grading of examinations.
  - (3) The consumer representative and the elderly representative positions may not be filled by the same person.
- (c) Vacancies occurring during a term shall be filled for the unexpired term.
- (d) Before entering upon the discharge of his duties, each member shall make and file with the Secretary of State the oath of office prescribed by Arkansas Constitution, Article 19, Section 20.
- (e) Each member of the board shall receive as compensation for his services the sum of fifty dollars (\$50.00) for each day's actual attendance at board meetings. He shall be reimbursed for his traveling expenses necessarily incurred in the performance of his duties. All compensation and necessary traveling expenses shall be paid by the board out of the contingent fund only.

### **17-26-202. Officers.**

- (a) The members of the board shall annually elect from among their number, a president, first vice-president, second vice-president, secretary, and treasurer.
- (b) The board shall by regulation prescribe the duties of these officers.

### **17-26-203. Director.**

(a) The board shall appoint a Director of Cosmetology with secretarial qualifications, who shall not be a member of the board and who shall have had at least five (5) years' experience in secretarial and administrative employment in this state immediately prior to appointment.

(b) Immediately upon assuming the duties of his office, the director shall give bond to the board in the amount of five thousand dollars (\$5,000), with good and sufficient sureties, approved by the board and conditioned upon the faithful performance of all duties required or which may be required by him by law or the regulations of the board.

### **17-26-204. Inspectors, investigators, and professional employees.**

(a) The board, in accordance with this chapter, may employ inspectors, investigators, and professional employees and fix their compensation, which compensation and all reasonable expenses incurred shall be paid from the board's contingent fund only.

(b) Immediately upon assuming their duties, all inspector shall give bond to the board in the amount of one thousand dollars (\$1,000) with good and sufficient sureties approved by the board and conditioned upon the faithful performance of all duties required or which may be required by law or the regulations of the board.

(c) All inspectors shall have had five (5) years' experience in the licensed practice of cosmetology.

(d) There shall be a mandatory retirement age of sixty-two (62) years of age for all employees of the Board of Cosmetology hired on or after July 1, 1973, who are paid from the board's contingent fund.

### **17-26-205. Powers and duties.**

(a) In addition to the other duties set forth in this chapter, the board shall:

(1) Prescribe the duties of its employees;

(2) Establish a principal office in Pulaski County where all records of its proceedings and other records and files of the board shall be kept and which shall, at all reasonable hours, be open to public inspection;

(3) Adopt a seal;

(4) Hold examinations as to the qualifications of all applicants for registration, whose applications have been submitted to it in proper form, unless otherwise provided:

(5) Issue certificates of registration and licenses to such applicants as may be entitled thereto;

(6) Register cosmetological establishments and schools of cosmetology;

(7) At each regular meeting, approve disbursement of all funds;

(8) Report to the proper officials all known violations of this chapter; and

(9) Adopt reasonable rules and regulations:

(A) For carrying out the provisions of this chapter;

(B) For conducting examinations of applicants for registration and licensing;

(C) For governing the recognition, and the credits to be given to, the study of cosmetology or any of its branches, under a cosmetician or cosmetologist or in a school of cosmetology, licensed under the laws of another state; and

(D) For governing sanitary conditions as it deems necessary, in regard to the precautions to be employed to prevent the creating or spreading of infections or contagious diseases in cosmetological establishments, in schools of cosmetology, and in the practice of a cosmetician or cosmetologist, and in any branch of cosmetology, provided the rules and regulations meet the

minimum requirements of the law and rules and regulations of the State Board of Health. A copy of all rules governing sanitary conditions shall be furnished to each licensee. The rules and regulations adopted under this subsection shall have the force and effect of law.

(b) In addition to the powers conveyed upon the board by this chapter, it is empowered to enforce the provisions of this chapter or any reasonable rule or regulation adopted by it through injunctive process.

(c) The board may incur reasonable expenses and perform such other acts as may be necessary to carry out its duties and functions and to administer this chapter.

### **17-26-206. Meetings – Examinations.**

(a) The board shall hold meetings for the examination of applicants for registration and licensing under this chapter at least four (4) times a year at the capital city. The board may hold other meetings for examination of applicants for registration and licensing or for the transaction of such business as may be necessary.

(b) Any member of the board who owns a school of cosmetology shall be permitted to participate in and have the powers and duties that are related to the preparation of examinations and shall be permitted to give or grade the examinations of applicants for registration and licensing, provided that the applicant has not attended a school of cosmetology in this state that is in the same city or town of the member's school.

### **17-26-207. Registration record.**

The board shall keep a registration record containing the names, known places of business, and the date and number of the license of every licensed cosmetician or cosmetologist, and of those engaged in the practice of any branch of cosmetology, together with the names and addresses of all cosmetological establishments and schools of cosmetology registered under this chapter. This record shall also contain such facts as the applicants may have stated in their applications for examination for registration and licensing.

### **17-26-208. Investigations, hearings, or proceedings.**

Any investigation, inquiry, hearing, or proceeding which the board may hold or undertake may be held or undertaken by or before one (1) or more members of the board. The finding or order of the member or members constitutes the finding or order of the board when approved or confirmed by it. No investigation, inquiry, hearing, or proceeding shall be held or undertaken by only one (1) member of the board or by less than the entire membership of the board without the previous written authorization of the board.

### **17-26-209. Fees – Method of payment.**

(a) The board shall collect fees in accordance with the following fee schedule:

(1) For examination as a cosmetician, cosmetologist, electrologist, manicurist, aesthetician, instructor, or electrology instructor, thirty dollars (\$30.00);

(2) For registering a cosmetician, cosmetologist, electrologist, manicurist, aesthetician, instructor, or electrology instructor, registered in another state, thirty-eight dollars (\$38.00), plus annual license fee of the respective class of license;

(3) For renewal of a cosmetician, cosmetologist, electrologist, manicurist, aesthetician, instructor, or electrology instructor license, twelve dollars (\$12.00) annually;

(4) For registering a new cosmetological establishment thirty dollars (\$30.00) plus annual license fee;

(5) For renewal of all types of cosmetological establishment license, twenty dollars (\$20.00) annually;

(6) Original registration for opening a school of cosmetology, five hundred dollars (\$500);

(7) For renewal of a cosmetology school license, one hundred dollars (\$100) annually. In addition, every school shall make a bond, to be approved by the Attorney General, in the amount of five thousand dollars (\$5,000) payable to the State of Arkansas for the protection of the duly enrolled students of the school. Any student may bring an action in the circuit court of the proper county to execute against the bond in the event the cosmetology school in which the student is enrolled should fail to remain accredited by the board and in operation throughout the student's period of registration;

(8) For issuance of a duplicate license, two dollars (\$2.00);

(9) Demonstrator's license for persons coming in contact with the patron and who are not licensed as cosmetologists but demonstrate wigs, cosmetics, and beauty shop products, fifteen dollars (\$15.00) annually. Any person cleaning or servicing wigs shall be a licensed cosmetologist so that health regulations can be enforced for the protection of the general public;

(10) Beauty school student registration fee, ten dollars (\$10.00);

(11) Transfer paper of board records, five dollars (\$5.00);

(12) For cosmetologist, electrologist, manicurist, aesthetician, instructor and electrology instructor, the reinstatement fee is fifty percent (50%) of the renewal fee for each year the license is not renewed by January 31 up to five (5) years, at which time the license shall lapse; and

(13) For cosmetology schools and cosmetological establishments, the reinstatement fee is fifty percent (50%) of the renewal fee after January 31.

(b) In addition to any other method of payment acceptable to the State Board of Cosmetology, the board shall accept personal or business checks drawn on deposit accounts in financial institutions as payment for fees collected by the board.

### **17-26-210. Disposition of funds.**

(a) All fees collected on behalf of the board and all receipts of every kind and nature shall be paid into the State Treasury and shall be credited to the Board of Cosmetology Contingent Fund. The contingent fund shall be for the general uses of the board and out of it shall be paid all salaries and all other expenses necessarily incurred in carrying into effect the provisions of this chapter. Expenditures from the contingent fund shall be substantiated by vouchers and itemized statements at the end of each fiscal year or at any other time when demand therefor is made by the Department of Finance and Administration.

(b) The unencumbered balance of the revenues remaining in the Board of Cosmetology Contingent Fund on June 30, 1991 together with the excess of any revenues deposited in the said fund for each fiscal year thereafter shall remain in the Board of Cosmetology Contingent Fund and shall be used by the board as provided in subsection (a) of this section. The Cosmetology Construction Fund shall be used by the board for construction or purchase of facilities for the use of the board, as in their discretion is deemed necessary to further the ends of this chapter.

(c) The State Board of Cosmetology, upon notification to the Chief Fiscal Officer of the State on July 1 of each year, may transfer an amount not to exceed one-half (1/2) of the annual operating budget of the State Board of Cosmetology from the Cosmetology Construction Fund to the Board of Cosmetology Contingent Fund, there to be used for operating expenses for the State Board of Cosmetology for the first six (6) months of each fiscal year. The amount shall be repaid

on or before June 30 of each fiscal year from current revenues received by the State Board of Cosmetology.

### **SUBCHAPTER 3 – LICENSING**

#### **17-26-301. Penalties.**

(a) Any person who engages in, or attempts to engage in, the practice of cosmetology or any branch thereof without a license issued by the board or in an establishment other than one licensed by the board is guilty of a misdemeanor.

(b) Any licensee who uses an X-ray appliance, apparatus, or machine in the treatment of any human being or for the purpose of or with the intent to remove superfluous hair from the face or body of any human being or who applies to any human being a solution of phenol greater than ten percent (10%), or corrosive sublimate such as mercury or any of its preparations, derivatives, or compounds in a solution greater than one in five hundred (1:500) is guilty of a misdemeanor punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than two hundred fifty dollars (\$250), or by imprisonment in the county jail for a term of not less than fifty (50) nor more than one hundred eighty (180) days, or by both fine and imprisonment.

#### **17-26-302. Application for examination and license.**

(a) Every application for admission to examination, and every application for license as a cosmetician or cosmetologist, or any branch of cosmetology, shall be in writing on blanks prepared and furnished by the board.

(b) Each application shall be accompanied by the required fee and shall contain proof of the qualifications of the applicant for examination for registration and license.

(c) The application shall be verified by the oath of the applicant.

#### **17-26-303. Examinations generally.**

(a) The examination of applicants for a license in any of the branches or practices of cosmetology shall include both a practical demonstration and written and oral test and shall embrace the subjects concerning the particular branch or branches, practice, or practices for which a certificate of registration and license is applied.

(b) The examination shall not be confined to any special system or method.

(c) The examination shall be consistent in both practical and technical requirements and of sufficient thoroughness to satisfy the board as to the applicant's skill in, and knowledge of, the practice of the occupation or occupations for which a license is sought.

(d) In the conduct of examinations, practical demonstrations shall prevail over written tests; a greater number of credits shall be allowed on practical demonstration than on written tests.

#### **17-26-304. Cosmeticians or cosmetologists – Prerequisites to examination.**

At any meeting of the board held for the purpose of conducting examination, the board shall admit to examination for a certificate of registration and license as a cosmetician or cosmetologist any person who has made application to the board in proper form, has paid the fee required by Section 17-26-209, and who:

- (1) Is not less than sixteen (16) years of age;
- (2) Is of good moral character and temperate habits;

(3) Has completed two (2) years of high school in the public schools of this state or its equivalent

(4) Has completed one (1) of the following:

(A) Training of at least one thousand five hundred (1,500) hours of not more than eight (8) hours a day and six (6) days per week during the course; or

(B) The prescribed course of study in cosmetology under the laws of another state whose licensing requirements are equal to or stricter than those in Arkansas.

### **17-26-305. Manicurists – Prerequisites to examination.**

The board shall admit to examination for a certificate of registration and license as a manicurist any person who has made application to the board in proper form, has paid the fee required by Section 17-26-209, and who:

(1) Is not less than sixteen (16) years of age;

(2) Is of good moral character and temperate habits;

(3) Has completed two (2) years of high school in the public schools of this state or its equivalent; and

(4) Has completed one (1) of the following:

(A) Practical training of at least six hundred (600) hours under the immediate supervision of a licensed instructor in a licensed school in which the practice is taught; or

(B) The prescribed course of study in manicuring under the laws of another state whose licensing requirements are equal to or stricter than those in Arkansas.

### **17-26-306. Electrologists - Prerequisites to examination.**

The board shall admit to examination for a certificate of registration and license as an electrologist any person who has made application to the board in proper form, has paid the fee required by Section 17-26-209, and who:

(1) Is not less than eighteen (18) years of age;

(2) Is of good moral character and temperate habits;

(3) Has completed the twelfth grade or an accredited senior high school in the public schools of this state or its equivalent; and

(4) Has completed any one (1) of the following:

(A) A course of three hundred fifty (350) hours' practical training as a student in conjunction with a course of fifteen hundred (1500) hours in beauty culture or for a licensed beauty operator;

(B) A course of six hundred (600) hours' practical training as a student, when not in conjunction with a regular course in beauty culture or for licensed beauty operator, extending over a period of four (4) months under the immediate supervision of a licensed electrologist instructor in a school of cosmetology;

(C) The prescribed course of study in electrology under the laws of another state whose licensing requirements are equal to or stricter than those in Arkansas; or

(D) Training and practice in electrology for such period as shall be specified by rules of the board.

### **17-26-307. Electrology Instructors – Prerequisites to examination.**

The board shall admit to examination for a certificate of registration and license as a electrology instructor any person who has made application to the board in proper form, has paid the fee required by Section 17-26-209, and who:

- (1) Is not less than twenty-one (21) years of age;
- (2) Is of good moral character and temperate habits;
- (3) Holds a valid Arkansas license as an electrologist; and
- (4) Has had three (3) years of practical experience as an electrologist in the State of Arkansas within the past five (5) years.

#### **17-26-308. Aestheticians – Prerequisites to examination.**

The board shall admit to examination for a certificate of registration and license as an aesthetician any person who has made application to the board in proper form, has paid the fee required by Section 17-26-209, and who:

- (1) Is not less than sixteen (16) years of age;
- (2) Is of good moral character and temperate habits;
- (3) Has completed two (2) years of high school in the public schools of this state or its equivalent; and
- (4) Has completed one (1) of the following:
  - (A) Practical training of at least six hundred (600) hours of not more than eight (8) hours a day and six (6) days per week during the course; or
  - (B) The prescribed course of study in aesthetics under the laws of another state whose licensing requirements are equal to or stricter than those in Arkansas.

#### **17-26-309. Examination for cosmeticians or cosmetologists.**

Examinations for certificates of registration and license for cosmeticians or cosmetologists shall include:

- (1) Practical demonstrations in shampooing the hair, haircutting, hairdressing, permanent waving, wet hairdressing, water waving, hair coloring, manicuring, and facial and scalp massage with the hands; and
- (2) Written and oral tests in antiseptics, sterilization, sanitation, and the use of mechanical apparatus and electricity as applicable to the practice of the occupations of a cosmetician or cosmetologist.

#### **17-26-310. Failure to appear for examination.**

(a) Any applicant who without good cause fails to appear for examination within one (1) year after being notified by the board of his eligibility therefor may be removed from the list of eligible applicants for examination. The applicant shall forfeit his examination fee and may again become eligible only upon filing a new application and paying a new examination fee.

(b) However, any person whose failure to appear for examination is due to service in any branch of the armed forces of the United States, upon application made not later than one (1) year from the date of discharge or return to inactive military status and upon the filing of an affidavit showing the date of entrance into service and whether still in service or the date of discharge or return to inactive status, shall be restored to the eligible list and permitted to take the examination without payment of further examination fee.

#### **17-26-311. Eligibility for reexamination.**

(a) Anyone failing to pass a first examination shall, upon application, be permitted a second examination for which no fee shall be required.

(b) If an applicant for a certificate of registration and license as a cosmetician or cosmetologist or for a certificate of registration and license as a manicurist, electrologist, or aesthetician

fails to pass two (2) examinations, he shall complete a further course of study in a school of cosmetology approved by the board before he is eligible to file another application for an examination to determine his fitness to receive a certificate.

(c ) (1) The further course for cosmetician or cosmetologist applicants shall not be less than five hundred (500) hours extending over a period of not less than two and one-half (2 ½) months.

(2) The further course for manicurist, electrologist, or aesthetician applicants shall be not less than one hundred (100) hours extending over a period of not less than one (1) month.

#### **17-26-312. Cosmeticians or cosmetologists – Issuance of certificate and license.**

(a) Persons who pass the examination referred to in Section 17-26-309 shall receive from the board a certificate of registration and license as a cosmetician or cosmetologist.

(b) This license, except for renewal fees, entitles the holder, without additional cost, to engage in the practice of the occupations of a cosmetician or cosmetologist upon the public in a licensed cosmetological establishment.

#### **17-26-313. Manicurists, electrologists, aestheticians – Issuance of certificate and license.**

(a) Every applicant for registration to engage in the practice of manicuring, electrology, or aesthetics satisfactorily passing the examination conducted by the board to determine his fitness to engage in the practice of manicuring, electrology, or aesthetics shall receive from the board a certificate of registration and license to engage in the practice of manicuring, electrology, or aesthetics, without additional cost, up to and including January 1 following the day of issue.

#### **17-26-314. Specificity of certificate or license.**

Every certificate of registration and every license issued by the board shall specify the occupation or occupations which the certificate and license entitle the holder to practice.

#### **17-26-315. Reciprocity.**

Upon application to the board in the form provided for the particular class of license applied for, accompanied by the required fee, a person registered or licensed as a cosmetologist, electrologist, manicurist, aesthetician, or instructor under the laws of another state shall be granted a certificate of registration and license to practice the occupation or occupations in this state not of greater scope than the occupation or occupations for which the applicant was previously registered or licensed in the other state, upon the following conditions:

(1) That the applicant is not less than eighteen (18) years of age;

(2) That the applicant is of good moral character and temperate habits;

(3) That the applicant holds a current valid license upon application for reciprocity, evidenced by a certified copy of license and an affidavit from the other state or by such other evidence as the board may require; and

(4) That the applicant has passed both a written and practical state-approved examination for the particular class of license applied for by the applicant.

#### **17-26-316. Contents and display of license.**

(a) Every license issued by the board shall be signed by the president and attested by the Director of Cosmetology and shall bear the impress of the board's seal.



(b) Every licensee shall display the license in a conspicuous place in his principal office, place of business, or place of employment.

**17-26-317. Notice of address change.**

Every registered cosmetician or cosmetologist manager-operator, cosmetician or cosmetologist, electrologist, manicurist, or aesthetician, within thirty (30) days after changing the address of his place of business as designated on the books of the board, shall notify the secretary of his new place of business. Upon receipt of the notification, the secretary shall make the necessary changes in the register.

**17-26-318. Duplicate license.**

A duplicate license shall be issued upon the filing of a statement explaining the loss of the license, verified by the oath of the applicant, and accompanied by the fee prescribed in Section 17-26-209. Each duplicate license shall have the word "DUPLICATE" stamped across its face and bear the same date and show the number of the original license.

**17-26-319. Expiration, renewal, and reinstatement.**

(a) Licenses of cosmeticians or cosmetologists, instructors, electrologists, aestheticians, and manicurists expire on December 31 of each year.

(b) To renew an instructor's license, completion of not less than eight (8) hours of training during the preceding year in a board-certified instructor's training seminar or continuing education course is required.

(c ) Application for license renewal shall be filed and the fee paid not later than January 31.

(d) (1) A license which has expired by the failure of the licensee to renew within the time fixed by subsection (c ) of this section may be reinstated within five (5) years of the date of expiration upon application therefor and upon payment of the reinstatement fee provided by Section 17-26-209.

(2) An instructor licensee shall also be required to submit proof that he has received the required additional training during the preceding year in a board-certified instructor's training seminar or continuing education course approved by the board equivalent to eight (8) hours for each year the instructor licensee failed to renew or pass an instructor's examination given by the board. The instructor licensee shall be required to pay the required examination fee in lieu of a reinstatement fee.

(e) After five (5) years from the date of its expiration, a license may be reinstated upon the filing of an application as the board may prescribe, the furnishing of proof of good moral character and temperate habits as may be necessary, the payment of the examination fee required by this chapter, and the passing of the examination required by the board.

(f) The State Board of Cosmetology is authorized and directed to renew, upon application therefor and the payment of the necessary fees therefor, the cosmetology licenses of any veteran of World War II and the Korean Conflict who, subsequent to World War II or the Korean Conflict, possessed a cosmetology license but who may have permitted it to lapse. The renewal license shall be issued without the applicant being required to submit to any examination or to meet any additional schooling requirements.

### **17-26-320. Refusal, suspension, and revocation.**

(a) For good cause shown and under such reasonable rules and regulations as may be imposed, the board may revoke, suspend, or fail to renew at any time any license required by the provisions of this chapter on any of the grounds for disciplinary actions provided in Section 17-26-105. The proceedings under this section shall be conducted in accordance with this chapter, and the board shall have all the powers granted herein.

(b) The board shall suspend the license of any person licensed under this chapter who has been adjudged by a court of competent jurisdiction to be insane or legally incompetent. The record of the adjudication shall be prima facie evidence that the person is insane or legally incompetent within the meaning of this section. The board shall not reinstate a license which has been suspended under this subsection, except upon proof that the licensee has been restored to such mental condition as to be capable of carrying on with safety to the public the practice authorized by this license.

### **17-26-321. Reissuance and reinstatement.**

For good cause shown and under such reasonable rules and regulations as may be imposed, the board may reissue or reinstate the license of any person whose license has been previously revoked.

### **17-26-322. Civil Penalties.**

(a) (1) Whenever the State Board of Cosmetology finds that the holder of a license, certificate of registration, or other permit issued by the board is guilty of a violation of the rules of the State Board of Cosmetology or the laws of the State of Arkansas pertaining to any occupation, profession, or business licensed or regulated by the board, it shall have the power and authority to impose a penalty on the licensee or permit holder in lieu of suspension or revocation of license, certificate of registration, or other permit.

(2) Upon imposition of a penalty in lieu of suspension or revocation of license, certificate of registration, or other permit, the board shall have the power and authority to require that the licensee or permit holder pay a penalty to the board with regard to the violation with the sanction that the license, certificate of registration, or permit may be suspended until the penalty is paid.

(3) Prior to the imposition of any penalty, the board shall hold an investigation and hearing after notice to the licensee or his attorney. The penalty may be imposed in lieu of revocation or suspension of a license, certificate, or other permit only if the board formally finds that the public health, safety, welfare, and morals would not be impaired thereby and that the payment of the penalty will achieve the desired disciplinary results.

(b) No penalty imposed by the board in lieu of revocation or suspension of a license, certificate, or other permit may exceed five hundred dollars (\$500). The power and authority of the board to impose these penalties shall not be affected by any other civil or criminal proceeding concerning the same violation.

(c) Any person penalized by the board under this chapter may appeal any order of the board in the manner now provided by law.

(d) In addition to any other sanctions authorized by this chapter, the board may impose a civil penalty as provided above against any unlicensed person, firm, or corporation practicing or offering to practice any actions requiring licensure pursuant to the provisions of this chapter.

**17-26-323. Use of funds from penalties.**

Funds derived from penalties assessed by the State Board of Cosmetology pursuant to the authority granted in Section 17-26-322 shall be maintained in a separate bank account and shall be used exclusively to defray the costs of disciplinary hearings and any other enforcement actions, including the investigation thereof.

**SUBCHAPTER 4 – COSMETOLOGICAL SCHOOLS  
AND ESTABLISHMENTS****17-26-401. License requirements.**

(a) No person, firm, or corporation shall conduct or operate a cosmetological establishment, school of cosmetology, beauty parlor, or any other place of business in which any one (1) or any combination of the occupations of a cosmetician or cosmetologist are taught or practiced, except the branch of manicuring as practiced in a barbershop, until licensed under the provisions of this chapter and complying with the provisions of this chapter relating to sanitation. Any violation of this section is a misdemeanor.

(b) It shall be unlawful for any person to employ, or to allow to be employed, any person not duly registered or licensed by the board in or about a cosmetological establishment as a cosmetician or cosmetologist manager-operator, or as a manicurist, or as an electrologist, or as an aesthetician.

**17-26-402. Cosmetological establishments – Certificate of registration and license.**

(a) Any person, firm, or corporation desiring to operate a cosmetological establishment shall make an application to the board for a certificate of registration and license.

(b) The application shall be accompanied by the annual registration fee.

**17-26-403. School of cosmetology – Application to operate – Certificate of registration and license.**

(a) Schools of cosmetology shall be conducted as provided in this subchapter.

(b) Any person, firm, or corporation, except the Department of Education, desiring to conduct a school of cosmetology shall make an application to the board for approval. When an application is made after January 1, there shall be paid to the board that portion of the registration fee which the unexpired number of months in the year bears to the entire year, including the month in which the application is made. In such cases the board shall issue a license for the fractional part of the year.

(c) In the event that a member of the Board of Cosmetology shall wholly or partially own any interest in any school of cosmetology in this state, the board member shall disqualify himself from the consideration of applications for new schools of cosmetology or license renewals.

(d) The certificate of registration and license authorizes the school of cosmetology holding it to transact operations in this state during the year or fraction thereof for which it is issued subject to the rules and regulations of the board.

(e) Nothing in this section shall be construed as authorization or permission to conduct a school of cosmetology without a valid, existing, and unexpired certificate of registration.

**17-26-404. Certificate of registration - Expiration - Renewal.**

(a) Certificates of registration for cosmetological establishments and schools of cosmetology expire on December 31 of each year.

(b) An application for renewal of a certificate shall be filed with the board during the month of January accompanied by the annual registration fee prescribed by Section 17-26-209.

(c) Thereupon, the board shall renew the certificate for the ensuing year.

(d) A certificate which has expired for failure of the registrant to renew within the time fixed by this section may, for a period of one (1) year thereafter, be renewed upon the filing of an application in such form as the board may require and upon payment of the annual registration fee of the delinquency fee provided by Section 17-26-209.

(e) After one (1) year from the date of its expiration, a certificate may not be renewed, and the establishment or school may again become entitled to a certificate only upon compliance with all of the provisions of this chapter relating to the original issuance of a certificate.

**17-26-405. Facilities – Prohibition on use.**

(a) No person having charge of a cosmetological establishment or school of cosmetology, whether as an owner or an employee, shall permit any room or part thereof in which any of the branches or practices of cosmetology are conducted, practiced, or taught to be used for sleeping, for residential purposes, or for any other purpose that would tend to make the room unsanitary.

(b) A cosmetological establishment shall have a direct entrance separate and distinct from any entrance in connection with private quarters.

(c) New salons shall contain not less than one hundred sixty-eight (168) square feet of floor space, exclusive of rest room facilities, before being approved for licenses.

**17-26-406. Refusal or cancellation of school license – Causes.**

(a) No school shall be licensed until the board has had ample opportunity to verify sworn statements as to the actual ownership. In this respect, if false statements are submitted to the board in connection with a license application, this in itself shall constitute sufficient grounds for the refusal to grant any application under this subchapter. If an application is granted and thereafter the board discovers that false statements were made in connection therewith, this shall constitute sufficient grounds for the cancellation of the school license even though the false statements are detected after a license has been issued.

(b) The board reserves the right to deny school license to any applicant who fails to present satisfactory evidence of personal integrity and moral responsibility. In the event that the applicant is a corporation, this shall apply to all the officers thereof; no school license shall be issued until the real owner files with the board a statement definitely designating who is authorized to accept service of notice from the board and to transact all business negotiations on behalf of the school, including answers to citations for hearing and compliance with rulings issued by the board.

**17-26-407. Inspection of school facilities.**

(a) Before any school license as provided in this subchapter shall be finally granted, a second inspection shall be made after the equipment has been installed and before the school is permitted to begin operation.

(b) No applicant shall be granted a license to operate a school unless the board finds sufficient equipment has been installed for the requirements of enrolling a minimum of not less than twenty-five (25) bona fide students and that not less than twenty-five (25) bona fide full-time

student registration requests have been received in the case of any new school. New schools of cosmetology shall be required to contain not less than two thousand five hundred (2,500) square feet of floor space in the working area.

#### **17-26-408. Duties of school**

Every school shall:

- (1) Possess sufficient apparatus and equipment for the ready and full teaching of all the subjects or practices of cosmetology;
- (2) Maintain licensed instructors competent to impart instruction in all branches or practices of cosmetology;
- (3) Keep a daily record of the attendance of each student and the time devoted by each student to the various practices or branches of cosmetology or electrology;
- (4) Establish grades and hold examinations before issuing diplomas; and
- (5) Fix its tuition at an amount that will enable it to furnish without further charge to the student all cosmetics, materials, and supplies used on the public and in classes. This does not include books and instruments as shall be determined from time to time by the board.

#### **17-26-409. School supervisor.**

Every school shall at all times be in charge of and under the immediate supervision of a licensed cosmetician or cosmetologist manager-operator, who has had at least a total of three (3) years of practical experience in the practice or teaching of all of the branches of cosmetology, except the branch of electrology, in a licensed cosmetological establishment or a licensed school of cosmetology and who holds an instructor's permit.

#### **17-26-410. Instructor qualifications.**

Every person employed in a school to instruct students in the school shall be a licensed cosmetician or cosmetologist who:

- (1) Is twenty-one (21) years of age and has had six hundred (600) hours of teacher training in a school of cosmetology over a period of not less than four (4) months;
- (2) Has passed an instructor's examination given by the board and has received an instructor's permit. In order to take the instructor's examination, the instructor's examination fee shall be paid; and
- (3) Has received not less than eight (8) hours additional training each year in an instructor's training seminar or continuing education course certified by the board.

#### **17-26-411. Instructors – Duties – Number.**

(a) All instructors shall be continuously engaged in teaching students in theoretical or practical work. Except when instructing a student, no instructor may practice upon a patron, and any instructor who does so is subject to disciplinary action by the Board.

(b) The board shall promulgate reasonable rules and regulations concerning the number of instructors necessary to properly conduct a school of cosmetology.

#### **17-26-412. School term – General curriculum.**

(a) Every school shall maintain a school term of not less than one thousand five hundred (1,500) hours, instruction of which shall not be in excess of eight (8) hours per day. The school

shall maintain a course of practical training and technical instruction equal to the requirements for examination for a certificate of registration and license as a cosmetician or cosmetologist.

(b) It shall include in its curriculum a course of shop department consisting of instruction in courtesy, neatness, and professional attitudes in meeting the public.

(c ) It shall so arrange the courses devoted to each branch or practice of cosmetology as the board may from time to time adopt as the course to be followed by the schools.

#### **17-26-413. Electrology course.**

(a) An electrology course established by a school of cosmetology shall consist of three hundred fifty (350) hours or six hundred (600) hours of practical training and technical instruction which shall extend over a period of not less than two (2) months for a three hundred fifty-hour course and four (4) months for a six hundred -hour course. In no event shall the training extend over a period of more than six (6) months from the date of initial enrollment.

(b) The course shall be in accordance with a curriculum established by the board.

#### **17-26-414. Special courses – Credit.**

Where a student completes the required number of hours for a special course and reenrolls for a general course or where a student transfers from a special course to a general course prior to completion of the special course, he shall be given credit for the number of hours spent in connection with the special course, but not to exceed the maximum hours required thereof, toward the satisfaction of the time required for the general course as determined by rules and regulations of the board.

#### **17-26-415. Student registration – Reregistration or transfer.**

(a) All students of cosmetology, manicuring, electrology, aesthetics, and teachers' training shall be registered with the board before accredited hours can be obtained.

(b) All students of cosmetology, manicuring, electrology, aesthetics, and teachers' training transferring to another school will be required to reregister with the board.

#### **17-26-416. Partial credit.**

(a) Students transferring or failing to complete the entire course shall be given a certificate by the school evidencing the number of hours completed, provided that the required tuition has been paid. Applicants will receive credit only for hours of required study accumulated within three (3) years prior to the date of application for examination.

(b) Students receiving only partial hours on the required course of cosmetology, manicuring, aesthetics, or teachers' training or who have completed the course of cosmetology, manicuring, aesthetics, electrology, or teacher training in required hours but have failed to qualify and make application for the examination then the training will become nonaccredited in this state after three (3) years from school release, and must complete the entire course as prescribed in this chapter.

#### **17-26-417. Paid student work.**

(a) In every licensed school of cosmetology:

(1) A student for a license as a cosmetician or cosmetologist, after one hundred fifty (150) hours of instruction, may engage, in the school as a student, in work connected with any branch

or combination of the branches of cosmetology taught in the school upon a patron who is paying for service or materials;

(2) A student for a license as a manicurist, after thirty-five (35) hours of instruction, may engage, in the school as a student, in work connected with manicuring taught in the school upon a patron who is paying for service or materials;

(3) A student for a license as an aesthetician, after sixty (60) hours of instruction, may engage, in the school as a student, in work connected with aesthetics taught in the school upon a patron who is paying for service or materials; and

(4) A student for a license as an electrologist, after sixty (60) hours of instruction, may engage, in the school as a student, in work connected with electrology taught in the school upon a patron who is paying for service or materials;

(b) No student may engage in any work upon a patron who is paying for service or materials until he has had the required number of hours of instruction.

(c) No school shall advertise student work to the public for pay through any medium unless the work is designated as student work.

### **17-26-418. Cosmetology courses in public schools.**

(a) All public educational institutions operating cosmetological schools shall comply with the standards, rules, and regulations promulgated by the State Board of Cosmetology. However, the responsibility for approval of cosmetological schools in public educational institutions shall be the sole responsibility of the State Board of Education.

(b) Such schools shall not be required to obtain a license as prescribed in this chapter.

(c) Every person who successfully completes the courses in cosmetology given in a school under the public school system of this state is eligible for registration and license under this chapter the same as though he had graduated from a licensed private school of cosmetology approved by the State Board of Cosmetology. For this purpose, successful completion of courses in cosmetology given in public schools equal to and the equivalent of the courses required to be given in licensed private schools of cosmetology approved by the State Board of Cosmetology shall be deemed to be the fulfillment of the requirements of this chapter in regard to completion of courses in licensed schools of cosmetology approved by the State Board of Cosmetology.